

Attorney Docket No. 05328/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicants : Hiroyuki UMEDA et al
Serial No. : 10/541,709
Filed : July 8, 2005
For : MOBILE WOOD CRUSHER
Art Unit : 3725
Examiner : MILLER, BENA B.
Confirm. No.: 9836

RESPONSE - 37 C.F.R. 1.111

MAIL STOP AMENDMENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This is responsive to the Office Action mailed July 10, 2008, the term for response to which expires on August 10, 2008.

DECLARATION:

It is respectfully requested that the Examiner withdraw the objection to the original Declaration as being defective. The reasons for requesting withdrawal of the objection to the Declaration are as follows:

1. The Declaration does identify the citizenship of each inventor. See items A on page 4 of the attached photocopy of the original Declaration.

This paper is being
submitted via EFS-Web on
July 31, 2008

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not already paid, authorization to charge the extension fee to Account No. 06-1378. In addition, authorization is hereby given to charge any fees for which payment has not been submitted, or to credit any overpayments, to Account No. 06-1378.

2. The Declaration does identify the residence address of each inventor. See items B on page 4 of the attached photocopy of the original Declaration.
3. The Declaration does identify the full name of each inventor. See items C on page 4 of the attached photocopy of the original Declaration.
4. The Declaration does state that the person making the Declaration has reviewed and understands.... See item D on page 1 of the attached photocopy of the original Declaration.

In view of the foregoing, it is respectfully requested that the objection to the Declaration be withdrawn.

ELECTION/RESTRICTION:

Applicants hereby elect Species I, for further prosecution on the merits, without traverse.

CLAIMS READABLE:

The claims readable on elected Species I, are claims 1-9, 11-24, 28 and 29.

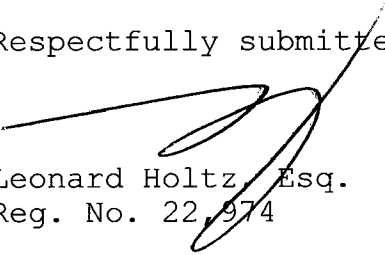
The Examiner indicated on page 3 of the Office Action that claims 1-8, 11-22, 28 and 29 are generic. Upon allowance of a generic claim, it is respectfully requested that the Examiner

consider claims directed to non-elected Species which depend from or otherwise the include the subject matter of an allowable generic claim.

It is respectfully submitted that this submission is fully responsive to the outstanding Office Action.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



Leonard Holtz, Esq.
Reg. No. 22,974

Dated: July 31, 2008

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Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宣言する：

As a below named inventor, I hereby declare that:

私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である（唯一の氏名が記載されている場合）か、或いは最初、最先且つ共同発明者である（複数の氏名が記載されている場合）と信じている。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MOBILE WOOD CRUSHER

上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない：

the specification of which is attached hereto unless the following box is checked:

☐ _____ の日に出版され、
この出版の米国出版番号またはPCT国際出版番号は、
_____ であり、且つ
_____ の日に補正された出版（該当する場合）☒ was filed on September 16, 2004
as United States Application Number or
PCT International Application Number
PCT/JP2004/013513 and was amended on
_____ (if applicable).

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編規則1.56に定義されている、特許性について重要な情報を開示する義務があることを認める。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the need of the individual case. Any comments on the amount of time you are required to complete this form should be sent to Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC 20231.

Japanese Language Declaration (日本語宣言書)

私は、ここに、以下に記載した外国での特許出願または発明者証の出願、或いは米国以外の少なくとも一国を指定している米国法典第35編第365条(a)によるPCT国際出願について、同第119条(a)-(d)項又は第365条(b)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日より前の出願日を有する外国での特許出願または発明者証の出願、或いはPCT国際出願については、いかなる出願も、下記の内容をチェックすることにより示した。

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

Prior Foreign Application(s)

外国での先行出願

Priority Not Claimed

優先権主張なし

2003-326496

Japan

18/09/2003

(Number)

(Country)

(Day/Month/Year Filed)

(番号)

(国名)

(出願日/月/年)

2003-361348

Japan

22/10/2003

(Number)

(Country)

(Day/Month/Year Filed)

(番号)

(国名)

(出願日/月/年)

私は、ここに、下記のいかなる米国外特許出願についても、その米国法典第35編第119条(e)項の利益を主張する。

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)
(出願番号)

(Filing Date)
(出願日)

(Application No.)
(出願番号)

(Filing Date)
(出願日)

私は、ここに、下記のいかなる米国外出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された態様で、先行する米国外出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に関わる重要な情報について開示義務があることを承認する。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Application No.)
(出願番号)

(Filing Date)
(出願日)

(Status: Patented, Pending, Abandoned)
(状況: 特許許可、係属中、放棄)

(Application No.)
(出願番号)

(Filing Date)
(出願日)

(Status: Patented, Pending, Abandoned)
(状況: 特許許可、係属中、放棄)

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PTO/SB/106 (5-00)

Approved for use through 10/31/02. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Prior Foreign Application(s)

外国での先行出願

Priority Not Claimed

優先権主張なし

2003-369574

Japan

29/10/2003

(Number)
(番号)(Country)
(国名)(Day/Month/Year Filed)
(出願日/月/年)☐(Number)
(番号)(Country)
(国名)(Day/Month/Year Filed)
(出願日/月/年)☐

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(出願番号)(Filing Date)
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(出願番号)(Filing Date)
(出願日)

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(Application No.)
(出願番号)(Filing Date)
(出願日)(Status: Patented, Pending, Abandoned)
(現況: 特許許可、係属中、放棄)(Application No.)
(出願番号)(Filing Date)
(出願日)(Status: Patented, Pending, Abandoned)
(現況: 特許許可、係属中、放棄)

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Japanese Language Declaration (日本語宣言書)

委任状： 私は本出願を審査する手続を行い、且つ米国特許審判庁との全ての業務を遂行するために、記名された発明者として、下記の弁理士及び／または弁理士を任命する。(氏名及び登録番号を記載すること)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Leonard Holtz, Reg. No. 22,974; Herbert Goodman, Reg. No. 17,081; Marshall J. Chick, Reg. No. 26,853;;
Richard S. Barth, Reg. No. 28,180; Douglas Holtz, Reg. No. 33,902; and Robert P. Michal, Reg. No. 35,614.

書類送付先

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Telephone No. (212) 319-4900
Facsimile No. (212) 319-5101

唯一または第一発明者氏名	Full name of sole or first inventor		
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発明者の署名	日付	Inventor's signature	Date
		Hiroyuki Umeda	20/4/05
住所	Residence		
	Hirakata-shi, Osaka 573-1011, Japan		
国籍	Citizenship		
	Japan		
郵便の宛先	Post Office Address		
	c/o KOMATSU LTD. Osaka Plant,		
	3-1-1, Ueno, Hirakata-shi, Osaka 573-1011, Japan		
第二共同発明者がいる場合、その氏名	Full name of second joint inventor, if any		
	Noriyuki YOSHIDA		
第二共同発明者の署名	日付	Second inventor's signature	Date
		Noriyuki Yoshida	20/4/05
住所	Residence		
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国籍	Citizenship		
	Japan		
郵便の宛先	Post Office Address		
	c/o KOMATSU LTD. Osaka Plant,		
	3-1-1, Ueno, Hirakata-shi, Osaka 573-1011, Japan		

(第三以下の共同発明者についても同様に記載し、署名をすること)

(Supply similar information and signature for third and subsequent joint inventors.)